

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

UNITED STATES OF AMERICA

v.

TEVIN JEROME GAITHER,

)
)
)
)
)
)

DOCKET NO.: 5:19-CR-12

FACTUAL BASIS

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.


1. In or about August 2017, law enforcement learned the defendant Tevin Jerome Gaither (Defendant) was selling both cocaine and cocaine base (crack cocaine) drugs in Hickory, North Carolina, and elsewhere, within the Western District of North Carolina. The Defendant was receiving these narcotics from various individuals and distributing them in the greater Hickory, NC area. This Defendant trafficked over twenty-eight (28) grams of crack cocaine, with firearms, in this drug trafficking conspiracy.

2. The defendant, Tevin Jerome Gaither, from on or about August 2017 to on or about March 2019, in Catawba County, within the Western District of North Carolina, and elsewhere, did knowingly and intentionally conspire and agree with other persons, known and unknown to the Grand Jury, to distribute and to possess with intent to distribute controlled substances, that is a mixture and substance containing over twenty-eight (28) grams of cocaine base ("crack cocaine"), and a detectable amount of cocaine ("powder cocaine"), both Schedule II controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 846;

3. The defendant, Tevin Jerome Gaither, on or about August 27, 2018, in Catawba County, within the Western District of North Carolina, and elsewhere, did knowingly and intentionally possess with intent to distribute a controlled substance, that is, a mixture and substance containing a detectable amount of cocaine base, (commonly known as "crack cocaine"), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), 841(b)(1)(C) and Title 18, United States Code, Section 2; and

4. The defendant, Tevin Jerome Gaither, on or about August 27, 2018, in Catawba County, within the Western District of North Carolina, and elsewhere, in furtherance of a drug trafficking crime, that is, possession with intent to distribute controlled substances, a violation of Title 21, United States Code, Section 841 as charged in Count Ten, for which he may be prosecuted in a court of the United States, did knowingly and unlawfully possess one or more firearms, and did aid and abet the same, all in violation of Title 18, United States Code, Sections 924(c) and 2.

R. ANDREW MURRAY
UNITED STATES ATTORNEY


Sanjeev Bhasker
Assistant United States Attorney

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Indictment, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Indictment, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis.


Roderick Davis, Attorney for Defendant

DATED: 6/10/19